Supreme Court, U.S.
FILED

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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

Leona Hudak Reiner, *et al.* (6 mothers and 2 children)

PETITIONERS

v.

Judges Peter Sikora, *et al* (27 judges/justices/referees, 2 disciplinary counsel/bar grievance counsel; 4 attorneys; a news reporter; and the Governor of Ohio

RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

LEONA HUDAK REINER
65 JUDWIN AVENUE
NEW HAVEN, CT 06515
(203-397-1528)
Admitted to U.S. Supreme Court Bar on 11-1-76
sub nom LEONA M. HUDAK
Pro se and Counsel for Petitioners

64 pp

QUESTIONS PRESENTED FOR REVIEW

I. Whether judicial/legal gender bias (J/LGB) by public and private officers of court is cognizable as a Constitutional deprivation of equal protection and due process under 42 USC § 1983, not subject to immunity defenses?

A. § 1983, judicial immunity, and damages as deterents to J/LGB?

B. Precedent for judicial liability in damages for "judicial acts?"

C. Declaratory, injunctive, and other relief as deterrents to J/LGB under § 1983?

D. Ministerial/administrative acts of judicial officials as exempt from immunity?

E. Retired defendant J. Toner's use of former judicial office for officious intermeddling purposes in Reiner and his damages liability for dismissal of $200,000.00 child support action?

F. Private attorneys conspiring with state judicial officers as acting under color of state law and liable in damages?

G. Liability in damages of court attorneys in research and clerical capacities?

H. § 1983 liability of conspirational private defendant Carol Samolis and propriety of judgment on the pleadings on the basis of admissions against interest in her Answer confirming the "deal" she cut with Defendant J. Sikora to injure the Hudak/Reiners?

I. Defendant Governor Voinovich's lack of immunity in his individual capacity and his 1983 liability in damages?

II. Whether public and private co-conspirational defendants are liable in damages to petitioners under 42 USC § 1985(3) in a class-based judicial gender bias case?

III. Whether defendants who had the power and authority to stop the § 1985(3) conspiracies and did nothing are liable to petitioners under 42 USC § 1986?

IV. Whether petitioners had the right to try their pendent and supplemental state counts under 42 USC § 1988 and 28 USC § 1367(a)?

LIST OF INTERESTED PARTIES

I. Plaintiff/Appellant/Petitioners:
Leona Hudak Reiner, mother
pro se and attorney of record
Eric Reiner, her son
Anna Hudak, mother/grandmother
Diane Adams Gero, mother
Andrew Gero, minor son (6yrs. old)
Mary Sturm, wife
Judith Young, ex-wife
Judith Fickes Grooms, ex-wife

II. Defendants/Appellees/Respondents:
Juvenile Court, Cuyahoga County, Cleveland, Ohio:

Judges:	Peter Sikora
	Leodis Harris
	Kenneth Rocco
	Betty Ruben
	Burke E. Smith
	John J. Toner (retired)
Referees:	John Menzies
	Wayne Strunk
Legal Div.:	Richard Graham

Ohio Court of Appeals for the Eighth District:

Judges:	Joseph Nahra
	Ann Dyke
	James D. Sweeney
	Blanche Krupansky
	David T. Matia
	Sara Harper
	Patricia Blackmon
Clerk:	Al Chesnik

Domestic Relations Division, Trumbull County Court of Common Pleas, Warren, Ohio:	
Judges:	Thomas Norton
	Thomas Shubert
Referee:	Alexander Savakis
The Supreme Court of Ohio:	
Chief Justice:	Thomas Moyer
Justices:	Craig Wright
	Andrew Douglas
	A. William Sweeney
	Alice Resnick
	Francis E. Sweeney
	Paul E. Pfeiffer
Former CJ:	Frank Celebrezze
Ohio Disc. Counsel:	Geoffrey Stern
Ohio Disc. Counsel:	J. Warren Bettis (former)
Attys. Cleveland, OH:	Jules Koach
	Donald Barclay
	Robert Todt
	James Wilsman
Cincinnati Bar Assoc. Chairman Grievance Committee:	John G. Slauson
Governor of Ohio:	George Voinovich, Esq.
Former Reporter, Cleveland Voice:	Carol Samolis

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No._____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

LEONA H. REINER, et al.,
PETITIONERS

v.

JUDGE PETER SIKORA, et al.,
RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Petitioners, six women and two children, in five representative, joined Ohio cases, petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit which peremptorily affirmed a summary dismissal by the US Dist CT - NDOH of this landmark civil rights case alleging that **judicial/legal gender bias** pervades the entire Ohio system, denying its victims all equal protection and due process to which relevant laws entitle them.

OPINIONS BELOW

Neither the opinion of the Sixth Circuit Court of Appeals nor of the district court was published. They are reprinted at Appendix B and C at pages A-4 and A-6.

JURISDICTION

The Court of Appeals decision was filed on August 21, 1997. Upon Petitioners' Motion, by Order of Justice Stevens, the time for filing a Petition for a Writ of Certiorari was extended to January 15, 1998. (App. A)

The jurisdiction of this Court is invoked under 28 USC §§1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The relevant statutory provisions are 18 USC §§2201 and 2202; 28 USC §§ 1291, 1294(1), 1331, 1342(1), 1367, 1392(a); 42 USC §§1983, 1985(3), 1986, and 1988. They are set forth at Pet. App. G, pp. A-15-A18.

STATEMENT OF THE CASE

H. THE CONTOURS OF JUDICIAL LEGAL GENDER BIAS IN OHIO

Reiner v. Sikora is a landmark case brought under 42 USC §§ 1983-1988 et al. to establish the viability, parameters, liabilities and remedies against public — judges, clerks, the governor — and private — attorneys, news reporter — defendants engaged jointly in harassing, abusing, and discriminating against women and children litigants, i.e., in judicial/legal gender bias (J/LGB), which custom and usage is ongoing, systemic, and systematic in Ohio's judicial/legal fora. Six women and two children are co-plaintiff petitioners.

More than 50 federal and state gender bias studies, including Ohio's, have unanimously concluded J/LGB to be of pandemic proportions, infecting all proceedings and tainting them. Exhaustion by Pls of all judicial/legal, administrative, and executive Ohio avenues of redress have yielded no

vindication of their rights to Equal Protection and Due Process. Pls are disparately treated in Ohio courts whose procedures have a disparate impact upon them. They are victims of a conspiratorial pattern, practice, policy, and usage of overt abuse, harassment, hatemongering, malice, malevolence, hostility, dehumanization, and discrimination in domestic relations actions, with express intent to deny women and children as a class the benefit of laws favoring them. They are denied timely orders for support, if at all, and division of property. They are denied discovery of assets and/or enforcement of discovery orders for proper division of property and support purposes.

Jurists write and publish recommendations, orders, and opinions which have no basis in fact or law and often contain wilful fabrications, omissions of crucial data, conjecture, gut-reactions, half-truths, misconstruction of issues involved, failure to apply relevant laws, and sexist attacks upon the women involved. When women complain to proper authorities, their cases are summarily dismissed, in retaliation, without the mandatory prior notice, and they are denied all relief, even that to which they have an "absolute right" under Ohio law. (Reiner)

Appeals courts deny appeals in such cases, in perpetuation of the retaliation, utilizing specious reasons and inapplicable laws. (Reiner)

Ohio courts wilfully starve children for years, as wealthy fathers effect delays of support orders and/or obtain outright dismissals. (Reiner)

Trial judges capriciously "dismiss" appeals' court mandates, directing entry of child support orders, ignoring them. (Reiner)

State and federal judges issue orders without reading women's pleadings. They contemptize women litigants but never men. Some Ohio judges do not permit women litigants

in the courtroom during evidentiary hearings and trials, if at all. (Reiner and Fickes)

"Bifurcation" is the judicial instrumentality for effective sexual harassment, abuse, and discrimination in domestic relations cases. Courts expedite the "final" divorce order, but hold in abeyance all matters pertaining to assets and support, allowing the ex-husband to transfer title to the marital estate at issue to his mistress, other family, friends, etc., with intent to defraud the ex-wife and children. The settlement aspect is delayed for years, if not decades. In playing the "bifurcation" game, judges, referees, and other court personnel assume the role of de facto lead counsel for the male litigants, shedding their judicial mantle of impartiality. (Fickes; Reiner)

There are no extant state remedies within the Ohio judicial/legislative/administrative framework which have been allowed to women and children litigants. Bar association grievance units routinely dismiss women's complaints of judicial irregularities, as does Ohio Disc. Counsel (ODC), who serves at the pleasure of the Chief Judge of the Ohio Supreme Court and follows his policies. For two decades both defs Celebrezze and Moyer, in the latter capacity, have held all women's affidavits of bias and prejudice to be "not well taken," irrespective of their egregious nature. In retaliation, the "vindicated" trial judge intensifies his harassment and abuse of the woman litigant. (Reiner)

Contrary to practices in other states, Ohio has neither charged any judge with judicial gender bias toward women and children, nor sanctioned one for engaging in the practice. Not one has been removed from office for it. State officials ignore reports of it.

Attorneys representing men litigants obtain the judge(s) of their choice to preside over a case or appeal, to rule as they bid. (Reiner, Sturm)

Pls' cases, particulars of which follow, illustrate the above statements. They are representative of the J/LGB women and children encounter in family law disputes at all levels in Ohio courts.

I. FACTUAL BACKGROUND, COURSE OF PROCEEDINGS, AND DISPOSITION BELOW

In re Eric S. Reiner No. 247,774 (JuvCtCuya Co, Ohio 1968-)(JCCC)

"Reiner" is probably the most egregious child support case in American jurisprudence for three reasons: (1) The courts of Ohio starved Eric during his entire nonage (21 years); (2) since 1968, they engaged in malicious, hatemongering, defamatory attacks on the mother, Leona, the holder of BA, MA, MALS, JD, LL.M., LL.M., & JSD degrees, the latter two from Yale Law School, as they starved her child, to abet the millionaire Texas father, to count more money; and (3) father owes a record $200,000 in child support arrearage and interest.

The Reiners entered the JCCC in June, 1968, seeking orders for custody and child support.

Between 1968 and the present, Ohio courts at all levels have denied Leona pro has vice status and Eric, party Pl status, as mandated under ORJP 2(X), to preclude the grant to her of attorney fees. Thus, for 29 years Eric has been denied all access to Ohio courts. They also denied the grandmother, Anna Hudak, who paid for Eric's education through prep schools, MIT from ages 14-18, and a Ph.D. at the Univ. of Cal.-Berkeley, when Leona's earnings were inadequate to cover these costs, party Pl status, to which under Ohio law she has a right, again to deny Leona pro hac vice status and attorney fees.

It took various def. judges of the JCCC from Aug., 1982 to June, 1989 to issue a final lump sum judgment on child support arrearage, interest, and extraordinary educational expenses, pursuant to an appeals' mandate of Dec. 20, 1971. This was adjudged to be $126,000, some $15,000 short of the

actual expenses. Father's attorney, def. Barclay, who died on Oct. 2, 1995, was a rainmaker for judges' re-election campaigns. He was able to compromise every Ohio judge he appeared before.

On May 21, 1991 OCA 8 defs. JJ Sweeney, Krupansky, and Matia reversed Leona's $126,000, on the ground that the sexual harassment the JCCC had visited upon her had denied the father "due process." The father did not come to trial; he had not been in Ohio since 1970. The OCA 8 panel based its decision on a secret, unprocessed, unsigned, unserved referee report in which def. Ref. Strunk admitted his bias and prejudice against Leona. Neither Leona nor Eric has to date been served a copy of the report. They "remanded" for a retrial before an "impartial" judge. They negated two years of def. Rocco's rulings, as tainted by Strunk's bias and prejudice against Leona, 598 NE2d 768 (O App 8D 1991). Federal courts are bound by the OCA 8 panel's finding of sexual bias and prejudice by Strunk and Rocco against Leona, as she alleged in the Complaint. No further evidence is needed.

On July 1, 1991 def. JCCC Judge Kenneth Rocco removed himself from the Reiner case, after maligning Leona as the "most noxious" litigant who had ever come before him. She never saw the man. He also accused the OCA 8 panel of a "fix." He advised future jurists that Leona was impossible to "grin and bear." He personally assigned def. J Sikora to the Reiner case on the same day, without draw, knowing that the paraplegic could not, and would not, handle the 5-volume record of the case, and he and def. J. Toner had prejudiced Sikora against Leona. Def. J Harris was JCCC clerk.

Leona forced def. Sikora to hold a hearing on August 17, 1992, during which defs Barclay and Koach hatemongered Leona as "a disgrace," "that bitch," "really spreading [sh]it around" in oral argument, and other similar, inflammatory language. Def. Sikora did nothing. He accused Leona of filing

pleadings in order to achieve "orgasm." He had not read a single filed pleading. Leona sought his recusal, and she proceeded under protest when he refused to get off the case.

In response to Leona's Aug. 24, 1992 letter to J. Sikora protesting the obscenity and sexual harassment defs. Barclay and Koach had subjected her to, the two filed another motion, to be used as the instrument of the final dismissal, with prejudice, in retaliation, which occurred on Feb. 16, 1993, as J. Sikora "dismissed" the two appeals mandates he had to obey.

The catalyst for the precipitous action was an editorial which appeared in mid-January, 1993 in a tabloid called the Cleveland Voice. It accused members of OCA 8, def. Toner, and def. Sikora of irregularities on the bench. A former reporter for the Voice, def. Carol Samolis, had written previous articles critical of def. Sikora, whose two minor sons were before him. He then retaliated against Leona, consistent with his promise to def. Toner, who had aided him in his campaign in 1992. He gave the Reiners no prior mandatory ORCP 41(b)(1) notice.

Between 1968 and 1994 Leona filed a number of grievances with the various chief judges of the OSupCt, ODC's, and bar grievance committees in regard to the harassment, abuse, and hatemongering, i.e., J/LGB, she continued to encounter at the JCCC--They were all "dismissed" as "not credible."

Defs. CJ's Celebrezze and Moyer did not deem the obscenities and scurrilities by court officers to constitute "bias and prejudice" for recusal purposes, although on May 21, 1991, defs. OCA 8 panel members Sweeney, Matia, and Krupansky, to the contrary, held defs' Strunk's and Rocco's sexism toward Leona to be of sufficient moment to reverse two years of rulings by both men, as they refused to consider Leona's assignments of errors on the merits.

OCA 8 defs. JJ Nahra, Dyke, Harper, and Blackmon refused to entertain the Reiner/Hudak appeal as of right in 1993

from def. Sikora's dismissal with prejudice, falsely claiming there was no "final order." In effect, they refused to enforce their own mandates of Dec. 20, 1971 and May 21, 1991, thereby denying the Hudak/Reiners further access to Ohio courts.

Ohio Supreme Court defs. also denied the Hudak/Reiners certification of their appeal, in spring of 1994, although denial of appeal as of right is a due process violation. Thus, Leona, Eric, and Anna had exhausted all Ohio state avenues of redress, and they were compelled to enter federal courts, after Gov. Voinovich had done nothing.

"Ohio's procedures do not allow a vindication of plaintiff women's and children's rights," Agg v. Flanagan, 855 F2d 336 (6th C 1988). In 28 years more than 25 Ohio judges have been unable and unwilling to issue an enforceable order for the child support a millionaire father owes for his only living relative, Eric. No one in Ohio, not even the Governor, has held these judges accountable for their venality.

2. Gero v. Gero - No. J-9273032 (JuvCtCuya Co. Ohio, 1992 -) (Adams)

The Diane and Andrew Gero Case also stems from the JCCC. Def. Ref. Menzies delayed 40 months, after the initial filing before issuing a child support recommendation, but only for prospective not retrospective moneys—a recommendation rubber-stamped by def. Vis. J. Smith.

As in Reiner, the JCCC, including def. Ret. J. Toner, starved the infant Andrew, pursuant to its custom, usage, practice, pattern, and policy, to harass, abuse, and discriminate against women litigants.

Federal and state laws and rules require final child support orders made no later than 6-12 months of filing and temporary orders entered immediately.

3. Sturm v. Sturm and Sturm v. Sturm Associates, Nos. 88076 and 88143 (Ashtab. Com Pl 1989)

This was a combined divorce and stockholder's derivative action, arising in Ashtabula Co., in which def. atty Wilsman, who had served as personal atty for both common law husband James and wife Mary and atty for their closely-held corporation, Sturm Associates (SA), for several decades, refused to disqualify himself from either action, on grounds of conflicts of interest.

Wilsman was subsequently disqualified by the now-deceased trial judge in the Ashtabula Ct of Com Pl, in a decision upheld by OCA 11. Def. Wilsman then sought the personal intervention of his golfing partner, def OSupCt Just. Craig Wright, who not only had the Sturm case accepted by his OSupCt colleagues but assigned it to himself to preside over. In contravention of binding precedent and the Code of Judicial Conduct, he reinstated Wilsman to Sturm, repaying the favor he owed him, who, with his wealthy friends, had been instrumental in getting def. Wright elected to the OSupCt. At the time Wilsman had no license to practice law. He had been disbarred in 1984 for "dishonesty, fraud, deceit, misrepresentation, and neglecting legal matters." Wright reinstated him.

Wilsman engaged in economic blackmail by withholding Mary's support payments between 1988 and 1990 and threatening a dissolution of the corporation. She never obtained discovery of either James' personal or the corporate assets, $1-1/2 million dollars of which are missing.

Mary filed a grievance with def ODC Bettis against defs Wilsman and members of the OSupCt. It was dismissed as "not well taken." She was forced to settle without knowledge of the extent of missing assets.

4. Fickes v. Fickes, No. 41614 (Trumb Co Com Pl 1985)

Judy is one of two dozen litigants in Trumbull Co. who filed charges of obstruction of justice against def. former J. Tom Norton, who abused the "bifurcation" process in divorce

cases during his decade-long tenure on the bench, a custom and usage with him in all cases. He would grant a speedy divorce to enable the ex-husband to remarry and then defer the marital property and support issues for years, so that he could secrete, dissipate, and eradicate all trace of joint assets and records.

In Judy's case the property settlement did not occur for three years after she had filed a grievance with ODC Angelo Gagliardo. Although def CJ Celebrezze knew about Norton's misconduct on the bench, he did nothing about it. Judy could never get an answer on the phone from the local bar association to get help against def. Norton.

Def. Norton gave title to Judy's family home in which she had lived for 50 years to the ex-spouse with whom she had lived for five. He did not allow discovery of joint marital assets. In the three year wait for property settlement, Ron remarried and had a child.

5. Young v. Young, No. 48419 (Trumb Co Com Pl 1993)

Judy Young sued her husband of 29 years, Chuck, for a legal separation, after he had left home to continue an adulterous relationship with a co-worker. He cross-petitioned for a divorce on grounds of "incompatibility." Judy had become paralyzed and wheelchair bound with multiple sclerosis. The couple had two grown children.

Def. Ref. Savakis awarded Judy only $1,000 a month in temporary support for all her expenses, including health care/hospitalization, house mortgage, and full-time nursing care -- all of which exceed $2,500.00 per month.

Def. J Shubert granted the divorce to Chuck and to Judy, $1,200.00 per month in alimony for three years only, without taking into account her permanent disability, the length of the marriage, Chuck's second wife's considerable income, and the lack of grounds for the divorce.

Although federal courts do not generally involve themselves in divorce matters, the Young case represents the special compelling circumstance in which abstention is not proper.

C. THE QUESTIONS BEFORE THE COURT

On a petition for a writ of certiorari, Petitioners, mothers, and children, ask this Court to review their case and to hold that judicial officers who conspire with attorneys for male litigants and other private parties, under color of state law, to deprive women and their children of equal protection and due process in the judicial process, engage in judicial/legal gender bias. In doing so, they shed their judicial immunity; and thus they are equally liable in damages, in declaratory judgments, and in equitable relief under 42 USC §1983 - 1988, to these victims, as are their co-conspirators.

Therefore, Petitioners have stated a cause of action against all named defendants rendering dismissal inappropriate.

REASONS FOR GRANTING THE WRIT

Judicial/legal gender bias is the scourge of the nation. It infests both state and federal courts. It continues to be the hallmark of this case in both the USDCt-ND-OH and in the 6th Cir., neither of which gave petitioners the benefit of laws favoring them; but rather, they summarily found for their state judicial brethren, hundreds of laws notwithstanding.

Neither federal court read anything petitioners had filed. The case was predetermined in February of 1995, among the five district court judges who played kick-ball with it, Resp. Ohio Supreme Court Chief Justice Thomas Moyer, and Ohio Attorney General Betty Montgomery.

Judicial/legal gender bias disenfranchises the majority of the American public of their Constitutional guarantees.

Judges and lawyers must be made **ACCOUNTABLE**. They cannot supersede the law to favor male litigants particularly when, as in Ohio, the quid pro quo is campaign contributions to judges. Petitioners submit that the alleged pervasive judicial/legal gender bias by Respondents, and subsequently by the two federal courts, is such an egregious departure from accepted judicial proceedings as to compel an exercise of this Court's supervisory power to set the case on a course of integrity and fairness.

II. JUDICIAL/LEGAL GENDER BIAS BY PUBLIC AND PRIVATE OFFICERS OF COURT IS COGNIZABLE AS A CONSTITUTIONAL DEPRIVATION UNDER 42 USC §1983, NOT SUBJECT TO IMMUNITY DEFENSES

> "Gender discrimination in the judicial system [is] a stimulant to community prejudice which impedes equal justice for women." US v. Gross, 960 F2d 1433, 1438 (9th Cir 1992) (en banc)
>
> "When a judge acts intentionally and knowingly to deprive a person of [her] constitutional rights ... he acts no longer as a judge but as a 'minister of his own prejudices,' " Pierson v. Ray, 386 US 547, 567 (1966), Douglas dissent (Emp. ours)
>
> "There may be an unconstitutional purpose 'when . . . neutral laws ha[ve] a disparate impact upon a group that has historically been the victim of discrimination,' " Pers. Adm'r of Mass v. Feeney, 442 US 256, 273 (1979).

Reiner v. Sikora raises on first impression the question of the effect of Ohio's systemic and systematic judicial/legal gender bias (J/LGB) against women and children litigants in

family law matters upon the common law, self-imposed doctrine of judicial immunity which has enabled J/LGB to attain pandemic proportions, from which no Ohio procedures of any kind permit vindication. This fertile area of the law allows judges to exert the greatest economic sanctions, with impunity, against these two disadvantaged groups, through denial of fair divisions of assets and support. Child support, if granted at all, is inadequate, untimely, and unenforceable, causing intolerable human deprivation. Yet, ENTIRE SYSTEMS ARE UNMOVED!

A. §1983, Judicial Immunity, and Damages as Deterrents

The Complaint (C) alleges that defs Ohio judges and attys engage in an ongoing, joint, conspiratorial pattern, practice, policy, custom, and usage, under color of state law, of denying women and children litigants the benefit of all laws favoring them and issuing untenable rulings on behalf of their male counterparts; e.g., Ohio courts at all levels starved Pl Eric Reiner during his entire nonage. 29 years of litigation and 25 judges have not cured the deprivation. Mothers and children are valueless and personless to Ohio judges.

The Ku Klux Klan Acts — 42 USC §§1983-1986 — were specifically enacted to hold judges LIABLE, not only in declaratory and equitable actions, but also in DAMAGES, as the statements of members of both Houses emphatically and explicitly pointed out - to deter abuse:

> "[T]he decisions of the country judges who are made little kings, with almost despotic powers . . . which . . . have been exercised . . . without regard to law or justice, make up a catalogue of wrongs, outrageous violations, and evasions of the Constitution, unscrupulous malignity and partisan hate never paralleled . . . in the history of this country or any other."

Rep. Platt, Cong. Globe, 42 Cong., 1st Sess. 186 (1871) (Emp ours)

Sen Thurman couldn't have been clearer as to Congressional intent:

> " . . . Is that State judge . . . to be liable in an action? It is the language of the bill; for there is no limit whatsoever on the terms that are employed, and they are as comprehensive as can be used." ['Every person'] Id. App. 217 (Emp ours)

Rep. Lewis echoed his sentiments:

> " . . . by the first section [§1983] . . . the judge of a State court, though acting under oath of office, is made liable to a suit in the Federal Court and subject to damages for his decision against a suitor . . ." Id. p. 385 (Emp ours)

This court lost no time in enacting judicial immunity as an exception to §1983, in Bradley v. Fisher, 80 US 335 (1872), insulating itself and the country's judges against damages, while admitting that abrogation of federal statutory laws which are not unconstitutional is not their bailiwick: Federal courts sit not to judge or second guess the wisdom of Congress' wishes but to carry them out, O'Brien v. US, 391 US 367, 384 (1968).

One Bradley dissenter noted the lawlessness of the holding:

> "It is difficult to understand how every person in the United States may be held accountable in damages for conspiracy to violate another person's federal constitutional rights, except those persons trained in constitutional guarantees, charged with interpreting the constitution and oath-bound to deal fairly with parties to litigation." At 354-55. (Emp ours)

Pets. posit that judicial starvation of children is abuse of children, untenable in any forum, and that only denial of judicial immunity to judges who starve children and abuse women litigants, consistent with express Congressional intent in §1983, will end the heinous practice.

Pets' proposed exception to judicial immunity, for engaging in gender bias, represents a pragmatic solution to "policy problems of substantial public import which transcend the self-interest of judges," Ankenbrandt v. Richards, 112 SCt 2206, 2216 (1992). Until §1983 is obeyed and judges are held accountable for their illegal acts which harm protected classes of litigants, their gender bias will increase in frequency and intensity.

Parents have a fundamental liberty interest in the care and management of their children, which includes the right to adequate support, Santosky v. Kramer, 455 US 745 (1982).

Sexual "bigotry" is actionable in the private sector, Davis v. Monsanto Chem., 858 F2d 345, 350 (6th C 1988). Should judicial bigotry be held to a lesser standard, although it has been outlawed for 126 years? The norm for viability of a suit for gender bias is the "reasonable woman under similar circumstances," Yates v. Avco Corp., 819 F2d 630, 636-7 (6th C 1987).

Davis held that appropriate officers must take prompt action to prevent sexual bigotry or pay damages to the harassed women. Herein defs. Chief Justs., appeals judges, court counsel, ODC's, and bar grievance counsel have done absolutely nothing to stop J/LGB in Ohio. In Weeks v. Baker & McKenzie, 1994 WL 636488 (Super Ct SF Co Cal), a jury awarded a secretary $250,000 in compensatory and $7½ million in punitive damages, because lawyers did nothing to stop a fellow atty's harassment of the woman who lasted only 70 days! What are 29 years of judicial harassment and deprivation worth?

The boldest move in corporate America occurred in March, 1995, when WR Grace Co. forced its CEO to resign for sexual harassment of women employees, at a cost to stockholders of a $20 million bailout, NY Times, Feb. 8, 1994, p.1.

The federal government set an example in the public sector when the CIA settled Thompson (Brookner) v. CIA, (ND Va 1995) for $410,000, brought by a high ranking managerial woman who had been abused and harassed by her male subordinates for decades.

The ABA responded to JGB in its 1990 Model Code of Judicial Conduct, which requires impartiality of judges and attys who appear before them, Canons 3B(5) and 3B(6), recognizing that gender bias against women in courts is a "deeply rooted, subtle and systemic problem that cannot be eliminated by time alone." Not surprisingly, Ohio hasn't adopted the Model Code.

B. Precedent for Judicial Liability in Damages for "Judicial Acts"

In Stump v. Sparkman, 435 US 349 (1978), this Court articulated the standards that federal courts have been following in judicial civil rights §1983 cases: (1) the jurist had to have jurisdiction over the subject and person; and (2) the questioned act must have been "judicial."

Pls herein have alleged that def. jurists and attys conspired and acted jointly to harass them and their children, to deny them the benefit of the laws favoring them and thereby deny them Equal Protection and Due Process. In Rankin v. Howard, 633 F2d 844, 847 (9th C 1980), a state judge's prior, private conspiracy with one of the parties to predetermine the outcome of the case was held not a "judicial act," for purpose of judicial immunity. So none of the acts complained of at bar were "judicial acts," using the Rankin standard.

Besides Rankin, two federal cases held jurists liable for damages for violation of civil rights: (1) Picking v. Penna RR, 151 F2d 240, 250 (3d C 1945) found that in 1871 Congress had intended to abrogate absolute immunity for judges violating litigants' civil rights, in enacting §1983: "every person . . . must be deemed to include members of the state judiciary acting in official capacity;" and (2) in Shane v. Moldovan, 172 F2d 1016 (6th C 1949), the Sixth Circuit reversed a dismissal of a woman's complaint which alleged that state law enforcement and judicial officers had conspired to arrest her without warrant in her home, imprison her, and then subject her to a fraudulent criminal trial. Immunity did not apply; she had stated a cause.

For a prima facie harassment/discrimination claim under §1983, Pls must show (1) action under color of state law, and (2) deprivation of rights protected under the federal constitution, Zamlen v. City of Cleveland, 906 F2d 209, 214 (6th C 1990). They did both. The same rule obtains when immunity is urged as a defense by Motion to Dismiss, Halloway v. Walker, 765 F2d 517, 519 (5th C 1985).

Moreover, the record contains admissions of J/LGB by def Carol Samolis against J Sikora (R 28, pp. 10-12) and by OCA 8 defs in In re Reiner, 74 OApp3d 213 (1991), as to defs Rocco & Strunk -- all against Leona. These admissions against interest must nullify J Economus' dismissal. He and the Sixth Circuit are bound by them.

This court is faced with the untenable position that failure to grant cert., reverse, and remand will lend the federal government's imprimatur to judicial/legal gender bias, holding that women and children litigants are not persons with rights. It prepared for such a contingency in Wyatt v. Cole:

> " . . . we will not recognize an immunity available at common law if §1983's history or purpose counsel against applying it in §1983

> actions," 112 SCt 1827, 1831 (1992), Tower v. Glover, 467 US 914, 920 (1984). (Emp ours)
>
> " . . . The purpose of § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims, if such deterrence fails." Wyatt 1830, citing Carey v. Piphus, 435 US 247, 254-257 (1978). (Emp ours)

Defs herein (except Samolis) used the badges of their offices to deprive Pls women and children of their protected rights.

C. Declaratory, Injunctive, and Other Relief as Deterrents to Judicial/Legal Gender Bias under §1983

Should this court continue to hold judges immune from damages under §1983 when they violate women's and children's rights, it must, nevertheless, reverse on Pls' claims seeking declaratory and injunctive relief, from which judges and allied state personnel have no "immunity," given the allegations of the Complaint which must be accepted as true, Pulliam v. Allen, 466 US 522 (1985); Pierson v. Ray, 386 US 547, 558-564 (1967); Mann v. Conlin, 22 F3d 100, 103 (6th C 1994).

Pls seek a declaration by this court that the conduct they complain of is the product of a disparate pattern, practice, policy, custom. and usage of judicial/legal gender bias, which tainted the decisions def judges issued in their cases. As the fruit of taint, bias, and fraud, these orders must be nullified and rehearings held before impartial jurists, Catchpole v. Brannon, 42 Cal Rptr2d 440 (Cal App 1995); In re Marriage of Iverson, 15 Cal Rptr2d 70 (Cal App 1992); In re Reiner, 74 O App3d 213 (1991). Pls also seek mandatory injunctions, to prevent future J/LGB violations, Eagle v. Koch, 471 F S 175 (SD NY 1979).

The right to child support encompasses both liberty, Santofsky v. Kramer, 455 US 745 (1982); and property interests, Goss v. Lopez, 465 US 565 (1975); Agg v. Flanagan, 855 F2d 336, 339 (6th C 1988). Abstention is inapplicable in diversity jurisdiction to actions for enforcement of **child support arrearages**, and **tort** or contract claims with domestic relations overtones, Drewes v. Ilnicki, 863 F2d 469, 471 (6th C 1988).

18 USC §2201 provides that as long as a justiciable controversy exists, whether or not further relief is sought, a federal court may declare the rights and other legal relations of any interested party. The adverse party must be given notice and a hearing, §2202.

For injunctive relief to issue, Pls need only show (1) no remedy at law — e.g. no damages because of immunity -- and (2) serious risk of irreparable harm. WXYZ v. Hand, 658 F2d 420 (6th C 1981); Pulliam, supra, p. 536; Rose v. Peninsula, 839 F S 517 (NDED-OH 1993). The relief is prospective. However, coupling it with declaratory relief solves the problems in this cluster of cases. The Sixth Circuit has held injunctions proper in unusual circumstances, Honey v. Goodman, 432 F2d 333 (6th C 1970), and they clarified one instance, which is like the Reiner case, but did not follow it at bar:

> "Should the [state] appellate courts be unable or unwilling to correct continuing unconstitutional conduct by the Juvenile Court Judges, Pls would then be in a position of showing exceptional circumstances which would warrant federal injunctive relief," Johnson v. Zurz, 596 F S 39, 44 (NDED-OH 1984), citing Parker v. Turner, 626 F2d 1 (6th C 1980). (Emp ours)

Clearly this case qualifies for both declaratory and injunctive relief, and its concomitants in Pulliam: costs and

attorneys' fees, in addition to audits and receiverships for the courts in which defs judges have served, under §1983, as "other relief," Newman v. Alabama, 466 F S 628 (D Ala 1979).

D. Ministerial/Administrative Acts of Judicial Officials as Exempt from Immunity

This discussion pertains to the conduct of defs JJ Toner, Harris, Sikora, Wright, and OCA 8 Clerk Chesnik, vis-à-vis the Hudak/Reiners and Sturm.

To qualify for "immunity" from damages, a judge must (1) have jurisdiction over the subject matter, and (2) his act must be a "judicial" one, Stump v. Sparkman, 435 US 349 (1978) -- not an administrative or ministerial one. The same rule applies to court clerks, not acting at the direction of a judge.

The above-named defs had no immunity when they acted in administrative and ministerial (assignment and filing) capacities, in manipulating the Reiner and Sturm cases, with def attys Barclay, Koach, and Wilsman against Pets. Reiner/Hudak and Sturm. Their acts were not "judicial," Stump v. Sparkman, 435 US 439 (1978); and, thus, the actors enjoyed no immunity from damages. They were not dismissible, Ex parte Virginia, 120 US 339, 348 (1886); Mumford v. Zieba, 4F3d 439 (6th C 1993).

To be shielded by immunity, "clerical" acts must have been done pursuant to lawful authority, in good faith, without malice, under command of a court decree or explicit instructions from a judge, Ex parte Virginia, 100 US 339, 348 (1880); Henriksen v. Bentley, 644 F2d 852, 855 (10th C 1981; Scott v. Dixon, 720 F2d 1542, 1546 (11th C 1983).

Ministerial duties of a clerk, even when performed by a judge are not "judicial acts for immunity purposes," Mumford v. Zieba, 4 F3d 429 (6th C 1993). Defs Harris, Sikora, Wright, and Chesnik were not dismissible.

E. Def. Ret. J. Toner's Use of Former Judicial Office for Officious Intermeddling Purposes in Reiner, and His Damages Liability

The starvation of Pl Eric Reiner since 1968 is directly attributable to def Ret JCCC J John Toner, whom Leona recused in June, 1969. Since then he has made de facto retaliatory decisions in Reiner which other judges sign their names to de jure.

After Leona had recused Toner in June, 1969, he began calling her "that bitch," an epithet by which she continues to date to be known in the JCCC. Def Toner was chief judge of the JCCC for several decades. During his reign the policy and practice of dehumanizing and maligning women litigants became universal custom and usage for anyone who wanted to keep a job there. His misogyny infected the entire corps of workers, for more than 50 years!

Diane and Andrew Gero were more of his victims, as he continued even in retirement to retaliate against women in support cases. He and def Smith denied the Geros child support for 40 months (C pp. 31-32).

Under the rule of Stump v. Sparkman, 435 US 349, 355-6 (1978), having had no jurisdiction in Reiner since June, 1970, def Toner is entitled to no immunity. He continued to use the office he had occupied to influence other judges, and thus acted under "color of state law." His intermeddled "fix" in Reiner was not a "judicial" act. Toner is personally liable to Leona and Eric Reiner, and to the Geros, for all the damages he has caused them for nearly three decades, not only lost child support, but for legal fees and costs, and the mental anguish his hatred of women has inflicted upon them, King v. Love, 766 F2d 962, 966-67 (6th C 1985); Forrester v. White, 484 US 216, 219 (1988). On point is Spires v. Bottdorf, 317 F2d 273 (7th C 1963), as to retired judicial intermeddling.

Def Toner owes the Reiners and Geros damages!

F. Private Attorneys Conspiring with State Judicial Officers as Acting Under Color of State Law and Liable in Damages

Defs Barclay, Koach, Todt, and Wilsman are private Ohio attys who, Pls Hudak/Reiner and Sturm have alleged, conspired and acted jointly with judges and clerks of Ohio courts to deprive Pls as a class of their right to due process and equal protection, in violation of §1983, because of their sex, to render favorable rulings and results on behalf of fathers/ex-husbands.

> "The action against the private parties accused of conspiring with the judge is not subject to dismissal. Private persons, jointly engaged with state officials in a challenged action, are acting 'under color of state law' for purposes of §1983 actions . . . judicial immunity does not insulate from damages liability those persons who corruptly conspire with a judge . . ." Dennis v. Sparks, 449 US 24, 101 SCt 183, 184-5 (1980). (Emp ours)

See also Wyatt v. Cole, 112 SCt 1827, 1834 (1992); Hooks v. Hooks, 771 F2d 935 943 (6th 1985); Duncan v. Peck, 844 F2d 1261 (6th C 1988). The Sixth Circuit refused to follow these precedents.

Neither Barclay, Koach, Todt, nor Wilsman showed that Pls Hudak/Reiner and Sturm could prove no set of facts which would entitle them to relief they seek against each for the conspiracies and joint conduct they engaged in with named judicial officers, Conley v. Gibson, 355 US 41, 45 (1957); Mann v. Conlin, 22 F3d 100, 103 (6th C 1993).

G. Liability in Damages of Court Attorneys in Research and Clerical Capacities

Def Richard Graham is now the Director of Legal Services of the JCCC and its Deputy Clerk. From 1982 through

1994 he was the attorney assigned to the Reiner and Gero cases. In that capacity he had the duty to research the law applicable to each, i.e., child support, and to encourage JCCC judges to comply with same.

What could have been settled within 6 months in Reiner in 1982, by means of motions for lump sum judgment, for modification, and for discovery of the father's assets, pursuant to an appeals' mandate, became the most malicious, egregious child support/gender bias case in American jurisprudence; 63 O Misc2d 487 (JCCC 1993).

As a licensed attorney in Ohio, Def Graham has an oath bound duty to obey the law, which requires him to impart the law to judges presiding over cases he is assigned to, as he finds the law, or perceives it to be, not to abet the judge by neglecting to do the legal research necessary to bring the case to a proper conclusion, consistent with the law.

As Deputy Clerk of the JCCC Graham also let def J Sikora perform clerical duties in filing all Reiner case pleadings, including the Notice of Appeal, in March, 1993, from Sikora's dismissal, which Sikora held back from filing four days past the 30-day filing deadline, to defeat the appeal.

None of these acts were "judicial" or quasi-judicial, although they were "under color of state law." Graham is liable to the Reiners in damages and declaratory and injunctive relief, supra, para. I-C, Forrester v. White, 484 US 219 (1988); Ex parte Virginia, 100 US 339, 348 (1880); Mumford v. Zieba, 4 F3d 429 (6th C 1993). He has no immunity.

H. §1983 Liability of Conspiratorial Private Def. Carol Samolis and Propriety of Judgment on the Pleadings on the Basis of Admission Against Interest in Her "Answer" Confirming the "Deal" She Cut with Def. J Sikora to Harm the Hudak/Reiners

Carol Samolis was a gender-biased litigant in the JCCC through her two minor sons, also assigned to def J. Sikora. She

regularly reported his hatemongering and hostility toward her and his judicial irregularities in the tabloid Cleveland Voice, from which she was fired in Oct., 1992, for violating reporter's and informant's privileges.

In January, 1993, a Voice editorial criticized judicial irregularities by defs. Dyke, Toner, and Sikora in several cases, subsequent to which Sikora incarcerated Samolis for 15 days for "contempt" of a gag order. He "gags" all women litigants. He appointed def. atty Todt to represent her, with whom he "cut a deal" on Feb. 3, 1993: If Samolis would identify Leona Reiner as the "source" of the Voice article, she and her sons would be freed. She did just that on February 5, in open court, although she had no knowledge of the source. The Reiners had not been apprized of the "hearing."

In a pro se unserved [Answer] filed on Feb. 27, 1993, (R28), Samolis admitted the "deal" she made with Sikora, exactly as the Hudak/Reiners had alleged in their Complaint, paras. 7 O thru V, pp. 23-28A.

Pls Hudak and Reiner had the right to a Judgment on the Pleadings under FRCP 12(c) and 7(A) against def. Carol Samolis, based on her admissions against interest in her "Answer" which "closed the pleadings," since it contained no cross or counterclaim. They had stated a cause against her under §1983, as a private def who had conspired with state def J Sikora, Dennis v. Sparks, 101 SCt 184-5.

Samolis is bound by her admissions in her pleadings, Ahghazali v. Sec of H & H S, 667 F2d 921 (6th C 1989), as are federal courts. If no genuine issue of material fact remains to be resolved, then moving parties are entitled to judgment on the pleadings, as a matter of law, which the trial court must grant, US v. Moriarty, 8 F3d 329 (6th C 1993).

When private persons conspire and act jointly with state actors, the former also act "under color of state law," and a cause of action is stated against both, Wyatt v. Cole, 112 S Ct

1827, 1834 (1992); Moore v. Paducah, 890 F2d 831, 834 (6th C 1989; Pls. Hudak/Reiners stated a cause of action in §1983 against def Samolis. She is liable in damages to them.

I. Def. Governor Voinovich's Lack of Immunity in His Individual Capacity and His §1983 Liability in Damages

Ruling precedent provides def. Gov George Voinovich, in his individual capacity, with no immunity whatsoever. He has been aware for decades that all Ohio courts engage in egregious gender bias. He began professional life as an attorney in Cleveland's courts. Several Pls., including Leona Reiner, wrote to him describing the harassment, abuse, and discrimination they had encountered, and asked for his help. He was aware of the Joint Task Force on Gender Bias. Yet, he remained silent, did nothing.

IN FACT, THE GOV COULD HAVE PUT AN END TO THIS CASE AT ANY MOMENT BY MEANS OF ONE OR MORE PHONE CALLS, DIRECTING DEF STATE OFFICERS TO DO THE JOBS THEY ARE PAID TO DO TO RESOLVE EACH CASE. He has the power to do so under Ohio Const. Art III, §5:

In Scheuer v. Rhodes, 416 US 232, 94 SCt 1638, 1687-1689 (1974), the state militia recklessly killed four Kent State Univ. students. This court reversed the district court's dismissal under FRCP 12(b)(6), which the Sixth Circuit had affirmed. Def Gov Rhodes also claimed "absolute immunity," at 1687. CJ Burger disagreed:

> Public officials, whether governors, mayor . . . legislators or judges, who fail to make decisions when they are needed or who do not act to implement decisions when they are made do not fully and faithfully perform the duties of their office." p. 1689.

Gender bias against women is a class-based deprivation under §§1983-1988, Agg v. Flanagan, 855 F2d 336, 339 (6th C 1988). Personnel Adm'r of Mass. v. Feeney, 442 US 256, 273 (1979). Women and their children are a protected class, Agg; Davis v. Monsanto, 858 F2d 345, 350 (6th C 1988).

Def. Gov. Voinovich failed to take positive steps to make decisions when they were needed. He is liable to Pls in his individual capacity, under authority of Scheuer and Hafer v. Melo, 116 LEd 301 (1991):

> "We hold that state officials sued in their individual capacities, are "persons" within the meaning of §1983. The Eleventh Amendment does not bar such suits; nor are state officials absolutely immune from personal liability under §1983 solely by virtue of the 'official' nature of their acts." At 313 (Emp ours)

Def Gov Voinovich is liable to them in damages, and declaratory and injunctive relief, like the other state defs.

II. PUBLIC AND PRIVATE CO-CONSPIRATOR DEFENDANTS ARE LIABLE IN DAMAGES TO PETITIONERS UNDER 42 USC §1985(3) IN A CLASS-BASED JUDICIAL LEGAL GENDER BIAS CASE

Pls have alleged with specificity in all five cases of the Complaint that various defs judges, referees, court clerks and attys, private practice attys, and other persons, including the Gov, acted in concert and in conspiracy with one another and inter sese to deprive Pls of their right to Equal Protection, because of their female sex, and that they have engaged in this ongoing gender bias for more than three decades, in violation of 42 USC §§1983 and 1985(3) which provide for damages and declaratory and injunctive relief to parties they injure with their bigotry.

> "The principle that individuals should not be discriminated against on the basis of traits for which they bear no responsibility makes discrimination against individuals on the basis of immutable characteristics repugnant to our system . . . the pervasive discrimination practiced against women, and the emerging rejection of sexual stereotyping as incompatible with our ideals of equality convince us that whatever the outer boundaries of the concept, an animus directed at women includes the elements of class-based invidiously discriminatory motivation. Williams v. Rappeport, 699 F S 501, 506 (D Md 1988), citing Novotny v. Gt. Amler. Fed. Sav. & Loan Assn., 584 F2d 1235 (3d C 1978).

Each Pl herein has alleged that one or more defs did (1) "conspire" (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws; (3) defs conspired and then caused to happen an act in furtherance of the conspiracy, whereby (4) the Pl was injured in her person or property -- requisite elements which must be met under §1985(3), Griffith v. Breckenridge, 4403 US 88, 102-03 (1971).

All petitioners met the above elements with specificity in their complaint, thereby stating a cause of action under §1985(3),

III. DEFENDANTS WHO HAD POWER AND AUTHORITY TO STOP THE §1983(3) CONSPIRACIES AND DID NOTHING ARE LIABLE TO PETITIONERS UNDER 42 USC § 1986

42 USC §1986 is a corollary to §§1985 and 1983. It provides that each person who knows that §1985 conspiratorial

deprivations are being or about to be committed and who has "the power to prevent or aid in preventing" them, "shall be liable to the party injured . . . for all damages caused by such wrongful act . . ." "Any number of persons guilty of such wrongful neglect . . . may be joined as defendants in the action." A sine qua non to an action under §1986 is a §1985 violation, Boddie v. ABC, 69 F Supp 2d 1304 (NDED-OH 1988), affd 881 F2d 267 (6th Cir 1989). (Emp ours)

Pls filed this action within the one year statute of limitations of the last act of gender bias, which occurred on Nov. 29, 1994 when def bar counsel Slauson refused to submit the Reiner grievance to the OAG or other proper criminal authority for investigation (C pp 26-28A, para 7Y), Walker v. City of Lakewood, 742 F S 429 (NDED-OH 1990). The action accrues when the last act of bigotry ends, Edwards v. Sotomayor, 557 F S 209 (D PR 1983).

Like §1985, §1986 requires a class based conspiracy against a disadvantaged group such as women and children litigants, as alleged herein, Perkins v. Penagaricano, 610 F S 94 (D PR 1985).

Herein def appeals judges, chief judges, ODC's, bar counsel, and the Governor all had such actual knowledge of the deprivations suffered by Pls, and they all did nothing!

Pls Hudak/Reiner, Gero, Sturm, Fickes, and Young stated an action under §1986 against all defs who remain in the case, as to all relief sought: damages, declaratory judgments, injunctions, and other appropriate remedies.

IV. PETITIONERS HAD THE RIGHT TO TRY THEIR PENDENT AND SUPPLEMENTAL STATE COUNTS UNDER 42 USC §1988 AND 28 USC §1367(a)

When the federal Constitution and laws are "deficient . . . to provide suitable remedies," the common, statutory, and constitutional law of the state wherein the court having

jurisdiction over the subject matter is located may assume pendent/supplemental jurisdiction "over all other claims that are so related to the federal claims . . . that they form the same case . . ." 42 USC §1988 and 28 USC §1367(a).

Pls. herein have alleged pendent/supplemental counts. The state claims arising out of a common nucleus of operative facts invoke pendent or supplemental jurisdiction, if both sets of claims would ordinarily be expected to be tried in one judicial proceeding, United Mine Workers of America v. Gibbs, 383 US 715 (1966). In this case, the "state" counts would have to be tried in several different counties: Cuyahoga, Ashtabula, and Trumbull. Courts are reluctant to dismiss §1988/1367 claims because of the bar of the statute of limitations, Carnegie Mellon Univ. v. Cohill, 484 US 343, 349 (1988). If the federal claims are viable, fairness and judicial economy require the exercise of pendent jurisdiction by the district court, Sullivan v. Boettcher, 714 F S 1132, 1133-34 (D Colo 1989).

Since lower federal courts erred in dismissing the counts sounding in §§1983, 1985(3), and 1986, they abused their discretion in dismissing the pendent/supplemental counts under §§1988 and 1367(a).

V. CONCLUSION

Judicial/legal gender bias is of pandemic proportions in American courts. Judges and lawyers remain unaccountable to anyone. The appeals process is unavailing. It is in meltdown, particularly in judge-elected states like Ohio.

This landmark action asks this Court to make JUDGES and ATTORNEYS accountable for their abusive, harassing, and discriminatory conduct toward women and children litigants by bringing an unequivocal halt to gender bias in the courtroom, as an egregious violation of equal protection and due process, and restoring personhood to these two continually oppressed

classes, an objective some 50 gender bias studies failed to effect.

Women and children are persons under 42 US §1983. They are not non-entities. They must regain their "personhood."

Petitioners urgently implore this Court to grant their Petition for a Writ of Certiorari and either summarily reverse the Sixth Circuit's decision or order plenary briefing by the parties.

Respectfully submitted,

LEONA HUDAK REINER
Attorney for Petitioners
65 Judwin Avenue
New Haven, CT 06515
Phone: (203) 397-1528
Admitted to U.S. Supreme Court
November 1, 1976
sub nom Leona Hudak

APPENDICES

APPENDIX A

Order by Justice John Paul Stevens of November 4, 1997 extending Petitioners' time to file their quest for Certiorari to January 15, 1998. ..... A-3

APPENDIX B

Order by Sixth Circuit panel entered August 21, 1997, affirming the dismissal of appellants' complaint by Judge Peter Economus, the US Dist. Ct. NDED-OH. A-4

APPENDIX C

Order of dismissal of Complaint by J. Peter Economus entered March 29, 1996 in the US Dist Ct NDED-OH. . A-6

APPENDIX D

Letter dated October 8, 1997 from Sixth Circuit Chief Dep. Clerk Janice Yates informing Leona Reiner the panel would not rule on her two motions complaining of sexual abuse and harassment of her and other appellants in appeals briefs filed in the Sixth Circuit and requesting removal of attorney Elizabeth McCord for egregious, ethical violations. ... A-8

APPENDIX E

Article, Cleveland Plain Dealer, October 15, 1991, p. 3C, describing the effect of contributions to election campaigns upon the decisions of defendant justices of the Ohio Supreme Court. A-9

APPENDIX F

Article, Cleveland Plain Dealer, March 7, 1995, p. 7E, by B. Brotman, "Gender Bias in the Courts, a Longstanding Issue. A-11

APPENDIX G

Relevant statutes A-16

Appendix A

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

November 4, 1997

Ms. Leona Reiner
65 Judwin Avenue
New Haven, CT 06515

Re: Leona Hudak Reiner, et al.
v. Peter J. Sikora, et al.
Application No. A-335

Dear Ms. Reiner:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Stevens, who on November 4, 1997, extended the time to and including January 15, 1998.

This letter has been sent to those designated on the attached notification list.

Sincerely,
William K. Suter, Clerk

By
s/
Sandra Elliott Spagnolo
Assistant Clerk

Appendix B

Nos. 96-3491/3593

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LEONA HUDAK REINER, ERIC REINER, ANNA HUDAK, DIANE and ANDREW GERO ADAMS, MARY STURM, JUDITH FICKES, and JUDITH YOUNG,	)	
Plaintiffs-Appellants,	)	
	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
v.	)	DISTRICT OF OHIO
J. PETER SIKORA, et al.,	)	
	)	**MEMORANDUM**
Defendants-Appellees	)	**OPINION**

BEFORE: LIVELY, KENNEDY, and NORRIS, Circuit Judges

PER CURIAM. Plaintiffs, Leona Reiner and Eric Reiner, Anna Hudak, Diane and Andrew Gero Adams, Mary Sturm, Judith Young, and Judith Fickes (Grooms), appeal from the order of the district court dismissing their complaint.

Having carefully considered the record on appeal and the briefs and the parties, and the applciable law, we are not persuaded that the district court erred in dismissing appellants' lawsuit.

We note that while appellants contend that various judicial officers engaged in irregular conduct in ruling on their claims in this case, any such conduct is irrelevant to the determination of the merits of appellants' appeal, since we review the district court's order de novo, and in doind so find that it did not err when it ruled that the complaint should be dismissed.

Accordingly, the judgment of the district court, dismissing appellants' complaint is **affirmed**.

Appendix C

UNITED STATES COURT OF APPEALS
NORTHERN DISTRICT OF OHIO

LEONA HUDAK REINER, et al.	)	**CASE NO. 1:95cv118**
	)	
	)	**JUDGE PETER C.**
PLAINTIFFS	)	**ECONOMUS**
	)	
v.	)	**ORDER**
	)	
	)	
JUDGE PETER SIKORA, et al.	)	
	)	
	)	
DEFENDANTS	)	

This matter is before the Court upon the motions of several Defendants to dismiss and/or strike Plaintiffs' Complaint. The Court has reviewed the memoranda in support of and in opposition to the notions and finds the motions well taken. The Court finds that the judicial officers, referees and grievance committee members who are named as Defendants are entitled to immunity. With respect to the other moving Defendants, Plaintiffs's have failed to state a claim against them upon which relief may be granted.

Pending before the Court is a motion by Defendant William Biviano for summary judgment. Plaintiffs have not responded to said motion. There is no evidence in the record which could support any claim against Defendant Biviano.

Additionally, the Court, sua sponte, finds that Plaintiffs have failed to state a claim upon which relief may be granted against Defendant Carol Samolis.

Accordingly, Defendants' Motions to Dismiss and/or Strike Plaintiffs' Complaint (Dkt. ##37, 38, 41, 44, 50, 51 and 72) are **GRANTED.** Defendant Biviano's Motion for Summary Judgment (Dk. # 80) is **GRANTED**. Defendant Slauson's Motion to Dismiss (Dkt. #19) is **GRANTED**. Defendant Slauson's Motion for Attorney's Fees (Dkt. #19) is **DENIED**. Defendant Slauson's Motion to Strike (Dkt. #19) is **DENIED** as moot.

JUDGMENT is granted in favor of Defendant William Biviano. Plaintiffs' Complaint is **DISMISSED** as to all remaining defendants.

IT IS SO ORDERED.

s/
PETER C. ECONOMUS
UNITED STATES DISTRICT
JUDGE

Appendix D

United States Court of Appeals
FOR THE SIXTH CIRCUIT
U.S. POST OFFICE & COURTHOUSE BUILDING
CINCINNATI, OHIO 45202-3988

October 8, 1997

Leona Hudak Reiner, Esq.
65 Judwin Avenue
New Haven, CT 06515

Re: Nos. 96-3491/3593
Leona Hudak Reiner et al. v. Peter Sikora, Judge et al.

Dear Ms. Reiner:

The mandate issued in these appeals int he normal course after the panel denied permission to file the late petition for rehearing. Issuance of the mandate is nearly always the final activity in an appeal.

If the panel does rule on these or any other outstanding motions, you and other counsel will be notified promptly, of course. However, you should not assume that the panel will rule on them at this stage.

Sincerely yours,

s/
Janice E. Yates
Chief Deputy Clerk

Appendix E

JUSTICES DENY LETTER INFLUENCED DECISION

THE CLEVELAND PLAIN DEALER
Tuesday, October 15, 1991

Four Ohio Supreme Court justices voted to reconsider a case just weeks after a campaign contributor wrote to express "considerable dismay" over the original ruling, a newspaper has reported.

The justices said the money and letter didn't persuade them.

The Akron Beacon Journal reported that John Hodges, president of the Ohio AFL-CIO, wrote that the union gave at least $200,000 in campaign contribution to Justices Alice Robie Resnick, Andrew Douglas, A. William Sweeney and Herbert Brown.

All four justices decided on Oct. 8 to reconsider a case know as Episcopal Retirement Homes vs. the Ohio Industrial Relations Commission. The only dissents were from three justices who did not receive AFL-CIO money: Thomas Moyer, Craig Wright and Robert Holmes.

The newspaper said none of the parties involved in the case asked for a rehearing.

On Aug. 14, the case was decided 4-3 with a ruling that union wages didn't have to be paid to construction workers building a private nursing home with public bonds. Resnick, Wright, Holmes and Moyer voted in the majority; Douglas, Sweeney and Brown dissented.

Hodges wrote the court on Aug. 28: "Over the years, I have frequently spoken in favor of the prevailing wage law. Therefore, it was with considerable dismay that I saw the opinion in Episcopal Retirement Homes. . . . This court's decision effectively destroys the prevailing wage law."

The justices could not be reached for comment yesterday. The Supreme Court's offices were closed for Columbus Day.

But the Beacon Journal reported that Resnick said she voted to rehear the cases because she felt that her original vote was wrong.

"It had nothing to do with the letter," she said. "In fact, I thought the letter was totally inappropriate."

Douglas was quoted as saying campaign money he received from the AFL-CIO and all unions reflected support for his philosophy and established voting record - not a purchase of his vote.

Brown said he would reserve comment for the final ruling, the newspaper reported.

Hodges said the Episcopal case was one of six he wrote to the court and complained about. His record for reversals was 3-3.

"I wished we had the kind of clout that people think we do," Hodges said. "We watch this court very carefully. I just sent the letters to let them know we thought their decisions were wrong."

Appendix F

GENDER BIAS IN THE COURTS A LONGSTANDING ISSUE

THE CLEVELAND PLAIN DEALER
Tuesday, March 7, 1995, p. 7E

It is an issue with a history.

"At the NOW Legal Defense Fund, we've been talking about gender bias in the courts for 25 years," said Lynn Hecht Schafran, director of the gender-equity program of the National Organization for Women Legal Defense and Education Fund.

Yet the horror stories keep coming. The latest is about the Maryland judge who sentenced a man to 18 months in jail for killing his wife after finding her in bed with another man.

Redbook magazine recently printed a list of what it called the nation's most sexist judges. So many readers made additional nominations that the magazine ran a second installment.

The legal system is infused with a pervasive bias against women, feminist critics say, affecting everything from the way women are treated in courts to women's progress in the legal profession.

The horror stories have come up in such numbers and over such a length of time, says Linda Hirshman, law professor at Chicago-Kent College of Law and director of its Women's Legal Studies Institute, that they cannot be mere aberrations.

"It's one aberration after another," she said.

In the last five years, 40 states have established task forces on gender bias in the courts, Schafran told a conference on gender bias and the law recently at the University of Chicago. There are nine more task forces on gender bias in the federal courts.

"Everything is just one recapitulation after another," she said. "Gender bias is a very severe problem."

It is a problem throughout society, but particularly painful when it surfaces in the law, said Jane Larson, associate professor at Northwestern University School of Law.

"The law is one of the most important tools of social change," she said. "Claims made on the law are going to be the places where we have the greatest victories and the greatest defeats."

For now, Hirshman said, women are suffering an unfair number of defeats.

"The legal system intentionally or simply neglectfully is biased against the interests of women," she said.

One example, she said, is that people who kill their spouses are often charged with manslaughter, not murder, because it is classified as a crime of passion.

"Seventy percent of all spousal murders in the United States are men killing their wives," she said, while the victims of stranger murders are more likely to be male.

"A crime that affects mostly men is punished more severely than a crime that affects mostly women."

Inequities are inevitable in a legal system designed and dominated by men, says Laurel Bellows, chairman of the American Bar Association's Committee on Women in the Profession.

"The very law we're applying that looks so fair was drafted by male legislators and is derived from the Common Law of England, which came into being when women were property," she said.

"We end up with a set of rules that work much better for a man's needs," agreed law Professor Mary Becker of the University of Chicago.

But a subtler and more pervasive problem, Becker added, is "the fact that we generally live in a society where women are [considered] less credible than men."

Juries tend to disbelieve everyone from women crime victims to women expert witnesses, feminist lawyers say.

Schafran doesn't think the law itself is the primary problem.

"The law, as written, is in pretty good shape," she said. "The whole issue is the application of the law."

"Women bring a different perspective, certainly and most obviously, to discrimination and harassment cases," Judge Ilana Rovner, the only woman of the 11 active judges on the U.S. Court of Appeals (7th Circuit), said at the gender bias conference.

"But more broadly, we are more likely to see cases pragmatically, having been outsiders. And not having had the benefit of certain advantages, we are keenly aware of the human side of many of the cases that come before us."

Fewer than 14 percent of federal judges are women, as tallied before President Clinton took office and made his own appointments. In state courts in the early 1990s about 10 percent of judges were women, according to the American Bar Association's Commission of Women in the Profession.

An opposing viewpoint at the gender bias conference came from law Professor Richard Epstein of the University of Chicago, a challenger of feminist orthodoxy, who suggested that some tales of outrageously biased judges recounted in magazines may not be so simple.

"When you get these testimonials, in which one side tells its side and not the other, it's a recipe for distortion," he said.

Indeed, Judge Edward Quinnell, a circuit judge in Marquette County, Mich., was criticized in Redbook and

several newspapers in the case of a 13-year-old girl molested by her stepfather.

During a sentencing hearing, he had said that having a finger inserted into the vagina was "no worse than being in a doctor's office."

It was not reported that he immediately went on to say that this act, unremarkable in a medical setting, was a crime and a betrayal in this context, and to express, at length, his concern for the girl's emotional recovery.

Feminist lawyers contend that merely being female has turned out to be a highly unsuccessful strategy in the legal profession. There are less than a handful of female managing partners in the nation's largest firms, Bellows said.

"Woman have comprised 48 percent of law school classes for more than 10 years," Bellows said. "They have been coming out of law school in large numbers beginning in about 1975. . . . You should be seeing women in major positions of responsibility in large law firms and as general counsels of firms."

Whatever path they take, feminist lawyers say, they cannot simply wait for younger, more egalitarian lawyers to replace attitudinal dinosaurs.

The Task Force on Gender Bias in the Courts in the U.S. Court of Appeals (9th Circuit) found that men under 40 were as unlikely as men over 40 to perceive the problems women lawyers reported, Schafran told conference participants.

But in her speech at the conference, Rovner said there are times she feels particularly hopeful for the future.

One was when she found herself presiding over a particularly difficult case in federal district court and looking up to see four women litigators representing the four parties.

"I remember pausing, taking in the scene and saying to a full courtroom, 'I cannot tell you how wonderful it is to see the four of you standing where you are, doing what you are

doing and representing who you are representing. I cannot explain what it means to me for this day to have arrived.'" she said.

"And one of the lawyers looked up and said, "Well, Judge, it looks pretty good from where we are standing too.'"

Appendix G

Statutes

W. Federal

1. 18 USC § 2201

(a) In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

2. 18 USC § 2202

Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.

3. 8 USC § 1367 (a)

(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

4. 42 USC § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

5. 42 USC § 1985 (3)

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire, . . . For the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; . . . or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

6. 42 USC § 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all

damages caused by such wrongful act, which such person by reasonable diligence could have prevented;. . .

7. 42 USC § 1988

(a) Applicability of statutory and common law

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause. . .